

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43811 of 2022

Arising Out of PS. Case No.-377 Year-2020 Thana- GAIGHAT District- Muzaffarpur

DEEPAK KUMAR Son of Sanjeev Kumar Jha Resident of Village - Nunaura,
P.S.- Mahindrawara, Distt.- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 30-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Gaighat P.S. Case No. 377 of 2020
registered for the offences punishable under
Sections 272, 273, 467, 468, 471 and 120B of the
Indian Penal Code and Sections 30(a), 36 and 41(i)
of the Bihar Prohibition and Excise Amendment
Act, 2018.

The allegation is regarding recovery of
huge quantity of illicit foreign liquor from a truck
which was seized by the police and the driver of
the said truck, namely, Kripal Singh was



apprehended by the police and upon interrogation he had disclosed the mobile numbers of various co-accused persons including that of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 14.06.2022. The learned counsel for the petitioner has further submitted, by referring to paragraph no.11 to the present petition, that the petitioner is neither the driver nor the owner of the truck in question, hence, he is having no complicity in the alleged occurrence.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner has made categorical statement in the present petition that he is neither the driver



nor the owner of the truck in question, apart from the fact that he is having a clean antecedent and is languishing in custody since more than 6 months, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur, Bihar in connection with Gaighat P.S. Case No. 377 of 2020.

(Mohit Kumar Shah, J)

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